

## **REMARKS**

Claims 1-10 are currently pending and stand rejected. By way of this response, claim 1-4 and 10 have been amended. No new matter has been added by way of these amendments.

### **RESPONSE TO OFFICE ACTION DATED JUNE 15, 2006**

#### **I. Objections to the Drawings and Specification**

The Office objected to the Applicant's figures, and specifically, Figures 21-22 as those figures did not have headings. With this response, Applicant has submitted replacement drawings for Figures 20-23, which have the appropriate headings. Thus, Applicant respectfully requests that this objection be withdrawn.

Similarly, with this response, Applicant has corrected the “ $\eta M$ ” typographical errors in the specification. Therefore, Applicant respectfully requests that this objection be withdrawn.

#### **II. Rejection under 35 U.S.C. § 112**

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office made the following § 112 rejections.

First, the Office provided that the recitation of “1 up to about 10  $\mu M$ ” rendered Claim 1 indefinite. Applicant has amended Claim 1 to now read “1 up to about 10  $\mu M$ ”. Consequently, Applicant respectfully submits that Claim 1 is no longer indefinite and requests withdrawal by the Office of this rejection.

Second, the Office provided that “relative volumetric ratio amounts sufficient” in Claim 1 is not clearly defined in the claims or the specification. With this response, Applicant has deleted “relative volumetric ratio amounts sufficient” from Claim 1. Thus, Applicant respectfully requests withdrawal of this rejection.

Third, the Office provided that Claims 2-4 are vague and indefinite because it is not clear as to what the “mL” is referring to. Again, with this response, Applicant has amended Claims 2-4 and respectfully submits that Claims 2-4 are no longer vague and indefinite.

Fourth, the Office provided that Claim 4 lacks antecedent basis as it does not fall in the numerical range presented in the claim it depends from. Applicant has amended Claim 4 so that

it now properly depends from Claim 2. Therefore, Applicant requests that this rejection be withdrawn.

Fifth, the Office rejected Claim 10 as indefinite for the recitation “suitable liner.” As above, Applicant submits that the amendment to Claim 10 overcomes this rejection, and requests withdrawal of the same.

### **III. Rejections under 35 U.S.C. § 103**

Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,716,638 (“Touitou”), in view of U.S. Patent No. 6,509,005 (“Peart”) and “*Airways Response to Aerosolized Delta-9-Tetrahydrocannabinol: Preliminary Report*” by Vachon. Applicant respectfully submits that the amendment to Claim 1 overcomes this rejection as Touitou, Peart, and Vachon do not teach or suggest the composition of claim 1 wherein a single dose of the composition achieves a Tmax at least within 0.041 hour. Claims 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Touitou, in view of Peart, Vachon, and U.S. Patent No. 5,258, 336 (“LaMastro”). However, Claims 9-10 depend from Claim 1, which as amended, is patentable over the cited references. Therefore, Applicant respectfully requests withdrawal of this rejection.

### **IV. Rejections under the Judicially Created Doctrine of Obviousness-Type Double Patenting**

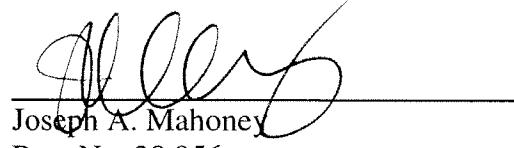
The Office rejected Claims 1-10 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over Claims 1-6 and 18-20 of U.S. Patent No. 6,747,058. This rejection is respectfully traversed as Applicant has taken the Office’s advice and submitted with this Amendment a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). Consequently, Applicant respectfully asks that the Office withdraw this rejection.

### **V. Conclusion**

For at least the foregoing reasons, it is respectfully submitted that Claims 1-10 are in condition for allowance. Early and favorable consideration is respectfully requested, and the Examiner is encouraged to contact the undersigned with any questions or to otherwise expedite prosecution.

Further, none of Applicant's amendments or cancellations are to be construed as dedicating any such subject matter to the public, and Applicant reserves all rights to pursue any such subject matter in this or a related patent application.

Respectfully submitted,



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